

# Exhibit 68

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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CIVIL ACTION NO. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR  
ADMISSIONS, INC.,

Plaintiffs,

vs.

UNIVERSITY OF NORTH  
CAROLINA, et al.,

Defendants.

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AMENDED DEPOSITION  
OF  
STEPHEN FARMER

THIS DEPOSITION CONTAINS HIGHLY CONFIDENTIAL AND  
PROPRIETARY INFORMATION AND IS SUBJECT TO A PROTECTIVE  
ORDER RESTRICTING PUBLIC DISCLOSURE OF ITS CONTENTS

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TAKEN AT THE OFFICES OF:  
UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL  
222 East Cameron Avenue  
110 Bynum Hall  
Chapel Hill, NC 27514

06-28-17  
8:24 A.M.

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Michael B. Lawrence  
Court Reporter

Civil Court Reporting, LLC  
P.O. Box 1146  
Clemmons, NC 27012  
(336) 406-7684

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1                   The witness, STEPHEN FARMER, being  
2           first duly sworn to state the truth, the whole  
3           truth, and nothing but the truth, testified as  
4           follows:

5                   (8:24 a.m.)

6                                   EXAMINATION

7           BY MR. STRAWBRIDGE:

8                   Q.    Good morning, Mr. Farmer.  My name is  
9           Patrick Strawbridge.  I am a lawyer with the law  
10          firm Consovoy McCarthy Park and we represent  
11          Student for Fair Admissions, Incorporated, in this  
12          case.

13                   How are you doing today?

14                  A.    I'm fine, Mr. Strawbridge.  How are you?

15                  Q.    Good.  Just for the record can you go  
16          ahead and state your name and your business  
17          address for the record?

18                  A.    Sure.  Stephen Farmer, 152 Country Club  
19          Road in Chapel Hill, North Carolina, the Office of  
20          Undergraduate Admissions.

21                  Q.    Okay.  And what is your ti -- do you  
22          have a title at UNC?

23                  A.    I do.

24                  Q.    And what is your title?

25                  A.    Vice Provost for Enrollment and

1 Undergraduate Admissions.

2 Q. All right. And that makes you  
3 essentially the head of the Admissions Office?

4 A. It does.

5 Q. I want to talk a little bit about some  
6 of the ground rules today. I'm sure that your  
7 attorneys have gone over these with you.

8 I'll just start by asking have you ever  
9 been deposed before?

10 A. I've not.

11 Q. Okay. Have you ever given testimony in  
12 court before?

13 A. I don't think so. Maybe once 25 years  
14 ago, but I don't know for sure.

15 Q. On some matter unrelated to UNC  
16 admissions?

17 A. Yes.

18 Q. Okay. So obviously you can see that we  
19 have a reporter here who's going to be creating a  
20 transcript of the record and recording the  
21 proceedings. It's important as part of that that  
22 I get a verbal response from you to each of my  
23 questions, yes or no.

24 A. I understand.

25 Q. We need to do our best to avoid

1           A.    Well, I'm sorry.  He -- so I think his  
2 title changed the year before.

3           Q.    Right.

4           A.    I think his job changed in 2003 and I --  
5 again, I think.  And so he retained that role.  We  
6 still had two senior associate directors in the  
7 Admissions Office for a year because he was still  
8 the admissions director.  His office was still in  
9 Jackson Hall, which is where the Admissions Office  
10 is located.

11                   And then after, I think it was a year,  
12 he asked me to take on the role of the admissions  
13 director.  He moved his office over to Vance or  
14 Pettigrew, which is -- at the time it was in the  
15 bottom part of the building where the Office of  
16 Scholarships and Student Aid is located.  And when  
17 he moved and we changed the title, the Admissions  
18 Office had a different director and I was the  
19 director.

20           Q.    And did your responsibilities change at  
21 the same time your title changed?

22           A.    Yes.

23           Q.    Okay.  What were your responsibilities  
24 -- how did your responsibilities change?

25           A.    I became responsible for all of the work

1 of the Office of Admissions.

2 Q. Okay. At that time did you start  
3 reading files?

4 A. I'd actually started reading files, I  
5 think, the year before.

6 Q. Okay. And how come that change took  
7 place?

8 A. We needed other people to read. I think  
9 we had made some -- the office had made some  
10 improvements in its reading process and some  
11 changes in its reading process that I had helped  
12 Jerry and I'd helped Barbara think through. So I  
13 had begun reading, I think it was a year earlier.

14 Q. And did you have particular regions or  
15 -- or areas of responsibility with respect to the  
16 files that you were charged with reading?

17 A. No, not that I remember.

18 Q. It was just kind of some random  
19 assignment?

20 A. Yeah, I mean -- yeah.

21 Q. And do you know at that point in time  
22 how many files a year you were reading  
23 approximately?

24 A. I don't. I -- probably fewer than I was  
25 reading at Virginia but I -- I can't really

1 at higher rates than others.

2 So for example, resident students as a  
3 group yielded higher rates than nonresident  
4 students. And within resident students -- and I  
5 can't remember what's in the model now. Students  
6 who have stronger test scores yield at lower rates  
7 than people who have lower test scores. And  
8 students who apply early yielded at different  
9 rates from those who apply late. And students who  
10 were underrepresented historically have yielded in  
11 different rates from those who are not.

12 So the reason why all those things are  
13 built in the model is just that the Odum Institute  
14 person took a look at the data and said if you're  
15 trying to predict with more accuracy who's going  
16 to show up, take these things into account in your  
17 cells.

18 Q. When you say underrepresented, are you  
19 referring to underrepresented ethnicities?

20 A. Yes, I am.

21 Q. What is an underrepresented ethnicity at  
22 UNC?

23 A. Here, students who identify themselves  
24 as African American or as American Indian or as  
25 Hispanic or Latino or Latina.

1           A.    I'm sorry.  I can't think of any.

2           Q.    (Mr. Strawbridge)  Why does UNC use race  
3 as a factor in its admission decisions?

4           A.    Because we want to enroll a class of  
5 students here who through their talent and their  
6 diversity will help us achieve our mission and  
7 help us provide the educational benefits of  
8 diversity to students and for that matter to  
9 faculty members.

10          Q.    And what is it about race that provides  
11 those benefits?

12          A.    It's not just race that provides those  
13 benefits.

14          Q.    But my question is what is it about race  
15 that provides those benefits?

16          A.    The fact that -- I understand.  I was  
17 just making the point that it's not just race.  I  
18 think race is complicated.  I think race is  
19 difficult to understand.  I think race expresses  
20 itself to a greater or lesser extent from  
21 individual to individual.

22                So for all those reasons I think that  
23 the reason why race is significant and our  
24 providing the benefits of diversity is complicated  
25 and it varies quite a bit and it varies over time.

1 race or ethnicity is complicated and it's not as  
2 simple as checking a box.

3 Q. (Mr. Strawbridge) But the answer is  
4 yes, you do report results based on the ethnicity  
5 that people -- that candidates identify themselves  
6 by.

7 MR. SCUDDER: Objection. The  
8 answer -- the answer stands on the record.

9 A. Among many other ways of describing the  
10 people who have chosen to come here, yes.

11 Q. (Mr. Strawbridge) And applicants are --  
12 readers are instructed that they can take into  
13 account the entire application file, correct?

14 A. They are.

15 Q. And the application file that's made  
16 available to the readers includes the box that's  
17 checked with respect to the racial identity to the  
18 extent that information's provided.

19 A. It includes what the student has told us  
20 about the student's race or ethnicity.

21 Q. Nothing prohibits readers from taking  
22 that information into account in addition to  
23 everything else in the application file.

24 A. They're expected to take into account  
25 everything in the file and ---

1 Q. And do they ---

2 A. --- and they may take into account the  
3 student's race or ethnicity as the student has  
4 described it to us. And students describe it in  
5 complicated ways actually. You know, it's  
6 interesting.

7 (HIGHLY CONFIDENTIAL PORTION BEGINS ON PAGE 62)

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1 (CONTINUATION OF TESTIMONY)

2 A. So students tell us a lot about their  
3 backgrounds and our readers may take those things  
4 into account when they're making decisions, as  
5 long as they're taking all the other things they  
6 say into account as well.

7 Q. I think you testified that -- that the  
8 purpose of taking race into account is to ensure  
9 that the University achieves certain benefits that  
10 are associated with diversity. Is that correct?

11 A. Yes, and I would add, as in the last two  
12 examples that I gave, I think students tell us  
13 things about themselves and sometimes the things  
14 that they tell us about themselves include things  
15 that have to do with their -- their race or their  
16 ethnicity. And so another reason why we -- we  
17 feel like we at least have to listen to students,  
18 is that we feel that we owe them that.

19 Q. Is there a particular level of racial  
20 diversity that the University has decided is  
21 required to achieve the benefits associated with  
22 racial diversity?

23 A. What do you mean by particular level?

24 Q. Is there a minimum amount of racial  
25 diversity that's necessary to achieve those

1       benefits?

2           A.     That's a complicated question. I don't  
3       know. The University has talked pretty  
4       consistently over time and especially since 2003  
5       about wanting to make sure that we've achieved  
6       critical masses particularly of underrepresented  
7       students. Again because their numbers compared to  
8       the population are smaller and they are  
9       technically speaking, by the definition,  
10      underrepresented here.

11           The notion of critical mass is a  
12      complicated one. You know, I don't think it can  
13      be defined necessarily in terms of the number. I  
14      think the idea of critical mass, I mean here  
15      anyway, the way that we've talked about it is that  
16      the point of critical mass is to make sure that  
17      every student at the University has the benefit of  
18      studying alongside others who can help them grow,  
19      who can -- can provide the educational benefits of  
20      diversity. So that's one aim of critical mass.

21           But the other is to make sure that the  
22      students within the groups whose critical masses  
23      we're talking about feel at home and feel  
24      confident in being who they are as individuals  
25      rather than feeling as though they're always being

1 expected to be exemplars or representatives or  
2 spokespeople for the group.

3 So the conversation here about how much  
4 we need has focused on whether our students are  
5 having a good experience here, whether they're  
6 able to be who they are, whether they're able to  
7 provide for their classmates the things that their  
8 classmates need if we're going to do right by them  
9 and whether the classmates are leaving here better  
10 prepared for the world that they'll be entering.

11 Q. So how do you measure those -- how do  
12 you measure critical mass?

13 A. It's not easy. I don't know that anyone  
14 has figured out perfectly how to measure critical  
15 mass.

16 Q. How does UNC ---

17 A. But I think ---

18 MR. SCUDDER: Let him -- let him  
19 finish. Go ahead, Steve.

20 A. I think, if by assess -- if by measured  
21 you mean assess, then I think we're trying all the  
22 time to assess critical mass. And I think people  
23 are thinking about critical mass.

24 Students here, in my experience anyway,  
25 talking with them and reading the newspaper and

1       your time as director of admissions that there was  
2       a particular result of the climate survey that was  
3       tied to the determination as to whether the  
4       University had achieved critical mass.

5                   MR. SCUDDER: Object to the form.

6           A.     You know, I remember with the 2005  
7       survey a group of people across campus affirmed  
8       the goal of the University's continuing to try to  
9       secure critical masses of different populations of  
10      students, but I don't know what led to that  
11      affirmation and that goal or what survey results  
12      that group may or may not have viewed.

13          Q.     Is there an official definition of  
14      critical mass at UNC?

15                  MR. SCUDDER: Object to the form.

16          A.     I don't know what you mean by official  
17      definition.

18          Q.     (Mr. Strawbridge) If someone asked you  
19      what -- what does critical mass mean, is there any  
20      written document you can refer them to that has  
21      the UNC's definition of critical mass?

22          A.     I don't know.

23          Q.     All right.

24                  MR. SCUDDER: Let's take a break  
25      after the next question or two.

1       were asking me.

2           Q.     Yeah, and now to make sure that we  
3     understand, my question for you is, do you draw a  
4     distinction between the number of students  
5     sufficient to obtain critical mass versus the  
6     number of students sufficient to obtain the  
7     educational benefits of racial diversity?

8           A.     No.

9           Q.     Those things are the same to you?

10          A.     Well, the reason -- well -- well, let me  
11     answer the question that you asked, and I think --  
12     would you go back to your original question?

13          Q.     The -- the original question was whether  
14     or not there was a different answer with respect  
15     to your ability to provide an opinion as to  
16     whether 5 percent of underrepresented minorities  
17     would be sufficient for people to not feel like  
18     they were spokespeople for their race.

19          A.     Uh-huh (yes).

20                   MR. SCUDDER:   Object to the form.

21     Go ahead.

22          A.     I -- I don't know.   You know, I think  
23     part of the reason why I don't know is that I  
24     think people's -- students' reaction to  
25     circumstances are different.   We'd have to have a

1       them.

2           Q.     And when you say where we are, do you  
3       mean with respect to racial diversity?

4                   MR. SCUDDER:   Object to the form.

5           A.     I mean broadly speaking.  I mean the  
6       quality of the class, the many different kinds of  
7       diversity that are incorporated within the class.

8           Q.     (Mr. Strawbridge)  So you consider the  
9       current level of racial diversity to be -- to be  
10      sufficient to achieve UNC's goals?

11                  MR. SCUDDER:   Object to the form.

12          A.     I think the current level is the current  
13      level.

14          Q.     (Mr. Strawbridge)  Do you -- can you say  
15      whether or not it is sufficient to achieve the  
16      educational benefits of diversity?

17                  MR. SCUDDER:   Object to the form.

18      Asked and answered.

19          A.     I -- I think the current level was the  
20      current level.  And again, as I tried to say, I  
21      think we explain to people who's in the class.  
22      Faculty members conduct their classes.  They  
23      conduct assessments of their learning and there's  
24      a feedback loop that goes around and around year  
25      in and year out about how we're doing.

1           A.    I think the answer to the question might  
2   depend on who you ask on campus.

3           Q.    Is -- is there anybody who's opinion  
4   would actually control that decision for the  
5   University?

6                   MR. SCUDDER:  Object to the form.

7           A.    Which decision are you speaking of?

8           Q.    (Mr. Strawbridge)  The decision as to  
9   whether or not you are succeeding or failing in  
10  providing the educational benefits of racial  
11  diversity.

12          A.    I -- I don't know.

13          Q.    If UNC stopped using race today, do you  
14  know what effect would be on racial diversity in  
15  the admissions process?

16          A.    I think we'd have a less racially and  
17  ethnically diverse class than we did.

18          Q.    And why do you think that?

19          A.    I think that we'd enroll fewer  
20  underrepresented students, for example, than we do  
21  today.

22          Q.    And you think that, even if UNC retained  
23  its holistic process otherwise?

24          A.    I think so.

25          Q.    And why is that?

1 course of evaluating a student it's hard to  
2 determine which one thing is decisive. I mean,  
3 there's the whole of the student and it's hard to  
4 pull any one part of the student out and say that  
5 this was the thing that made the difference or  
6 that was the thing that made the difference.

7 Q. I guess I'm just trying to reconcile  
8 your testimony that if UNC were to stop using  
9 race, you expect there would be a drop in racial  
10 diversity with -- with your answer just now.  
11 Either -- either you think it makes a difference  
12 that would lead to a substantial drop in racial  
13 diversity or you don't. So do you think it makes  
14 a difference in a substantial number of admission  
15 decisions, the race of the applicant?

16 MR. SCUDDER: Objection to the  
17 form.

18 A. I think I -- I think I answered your  
19 question. You know, in the course of an  
20 evaluation of individual people as they come to  
21 us, race does make a difference in the decisions  
22 that we make.

23 Q. (Mr. Strawbridge) And do you know how  
24 many decisions it makes a difference?

25 A. I don't know.

1 control feedback from senior people who've been  
2 around awhile.

3 Q. Do students ever -- do -- do -- are  
4 readers instructed that -- that one of the goals  
5 of the Admissions Office is to -- is to increase  
6 the number of students who strengthen diversity?

7 A. We've had the goal of increasing the  
8 number of students who strengthen diversity or  
9 strengthening our recruitment of people who  
10 strengthen diversity over time.

11 Q. And does strengthen diversity often used  
12 as -- as reference to racial diversity?

13 MR. SCUDDER: Object to the form.

14 A. It's never used exclusively as a  
15 reference to racial diversity.

16 Q. Is it sometimes understood by the  
17 admissions officers to refer to racial diversity?

18 MR. SCUDDER: Object to the form.

19 A. I hope it's never understood to refer  
20 only to racial or ethnic diversity. I also hope  
21 that it's understood to include racial and ethnic  
22 diversity.

23 Q. (Mr. Strawbridge) Is URM -- are URMs  
24 often identified as a priority group for students  
25 who strengthen diversity in the Admissions Office?

1 developed a standard report that she ran I think  
2 every two weeks or maybe every month and sent  
3 around to different people. I think she sent it  
4 around to staff members and she had sent around it  
5 to a couple of others.

6 So ---

7 Q. Let me just ask a question.

8 A. Sure.

9 Q. When these Core reports were created  
10 among the disaggregated data that was made  
11 available, was that -- did that include the race  
12 and ethnicity of the applicants?

13 A. Yes. It included the race or ethnicity  
14 information that applicants had provided to us on  
15 their applications.

16 Q. And when the Core report was created,  
17 did it provide the number of students basically  
18 who had applied who fell into these disaggregated  
19 categories?

20 A. Yes. I believe it did.

21 Q. Did it also include the number of  
22 students which had been admitted so far?

23 A. Yes. I think it did.

24 Q. Okay. And that ---

25 A. I think maybe also the number who --

1           A.     Melissa, Florio, Barbara Polk, I think,  
2     Jen Kretchmar, I think. And I think that's it.

3           Q.     (Mr. Strawbridge) And prior to this --  
4     in 2006, the Core reports were going around, who  
5     received the Core reports?

6           A.     I think Jen sent them to everybody on  
7     staff.

8           Q.     Including all the readers?

9           A.     I think so, yes. But I don't know.

10          Q.     And after this adjustment was made and  
11     these reports were being automatically generated  
12     in 2011, were the reports -- was the information  
13     that was available in the reports available to  
14     anyone other than those who received it?

15          A.     I think -- what do you mean by  
16     available?

17          Q.     Was there some way to go online and look  
18     up that information on the live databases as  
19     opposed to looking at the report that was put in  
20     your inbox?

21          A.     I don't know.

22          Q.     Okay. All right. Do you know whether  
23     that information was made available on request to  
24     readers during the admissions process?

25          A.     I don't know.

1 MR. SCUDDER: The dashboard report?

2 A. Well, it's the -- sometimes you refer to  
3 it -- we referred to it as a version of the Core  
4 report. Sometimes it was, unless -- so perhaps I  
5 should ask you, do you have a copy of the  
6 dashboard report that you'd like to show me so  
7 that I can make sure that I'm answering your  
8 question accurately?

9 Q. (Mr. Strawbridge) I'm happy to show you  
10 a document, but my real question is just do you  
11 know what was on the dashboard that was available  
12 to the readers?

13 A. You're asking me to -- this was four  
14 years ago, five years ago. I can't remember  
15 everything that was on reports that we ran four to  
16 five years ago. I'm sorry.

17 Q. At some point was there a decision made  
18 to remove race or ethnicity information with  
19 respect to how the applications process was  
20 progressing from being available to the readers of  
21 the applications?

22 A. Yes.

23 Q. And when was that decision made?

24 A. I think we made that decision in fall of  
25 2015.

1 Q. So after the lawsuit was filed in this  
2 case.

3 A. In fall of 2015.

4 Q. Do you know when the lawsuit was filed  
5 in this case?

6 A. I think about three years ago.

7 Q. In the fall of 2014? Is that your  
8 recollection?

9 A. I accept your statement of it.

10 Q. Okay.

11 A. I'm sure you know.

12 Q. Was the removal of race and ethnicity  
13 done after consultation with counsel?

14 A. We spent so much time with counsel.

15 MR. SCUDDER: Don't reveal the  
16 content of anything we've spoken about.

17 Q. (Mr. Strawbridge) Do you know?

18 A. I don't think we needed that information  
19 to do our work, so we took it off.

20 Q. Then if you didn't need that information  
21 to do your work, why was it included for the years  
22 prior?

23 A. I think because it was on the template  
24 that we originally borrowed from another  
25 institution.

1       how you might achieve diversity by using these in  
2       lieu of using race?

3           A.     We used these in addition to using race.  
4       We wanted to see the difference that they would  
5       make in addition to using race.

6           Q.     When did you actually first analyze what  
7       you could replace the use of race with?

8           A.     You mean in admissions specifically?

9           Q.     Yes.

10          A.     Okay.   Because again the race neutral  
11       strategies document from the Department of  
12       Education ---

13          Q.     I'm not asking you about that document.  
14       I'm asking you what you did.   Please confine your  
15       answer to my questions.   We have limited time,  
16       Mr. Farmer.   I don't need to know what the  
17       document said.   I'm asking when was the last time  
18       you looked at an alternative.

19          A.     The last time?

20                   MR. SCUDDER:   Object to the form.

21          Q.     (Mr. Strawbridge)   The first time.   I'm  
22       sorry.

23          A.     I think it was about in 2007.   You know,  
24       I remember taking a look or pulling data from -- I  
25       think the system we were using at the time was

1 Admission Pros and, you know, we were working -- I  
2 was working with the big data set. There were a  
3 lot of students listed there and we had limited  
4 information about them, but we did have  
5 information on -- I mean, I talked about a little  
6 bit of it earlier, race, ethnicity, first  
7 generation college, whether somebody had applied  
8 with a fee waiver. I think we used the coll -- I  
9 can't remember exactly, but I think we used the  
10 College Board codes to sort of determine who  
11 attended free and reduced price lunch, high  
12 schools -- or high schools that had high  
13 percentages of free and reduced price lunch.

14 And so we tried that -- I tried to see  
15 if there were factors in those data that we could  
16 apply mechanically to other admissions  
17 credentials, like top 10 percent, like GPA, like  
18 our ratings for program and performance that would  
19 yield a class with similar diversity and also  
20 similar academic credentials. That was in 2007.

21 Q. And what was your standard for  
22 similarity? How close did it have to be?

23 A. I can't remember.

24 Q. Do you know if it was, as you've  
25 testified today, had to be equal to what you were

1 currently doing?

2 A. I honestly can't remember.

3 Q. Okay. Is it possible that you were --  
4 you were trying to see if it hit exactly what you  
5 were doing or better?

6 A. I don't know how to address the  
7 possibility. I think anything is possible. I  
8 said I can't remember.

9 Q. Do you know whether or not -- strike  
10 that.

11 Are those formulas still available to  
12 you today?

13 A. I -- I think there's a spreadsheet  
14 probably somewhere on my hard drive that shows a  
15 summary of the information or some data of the  
16 information, but I don't know that I could  
17 reproduce that study today. It's probably that  
18 we're working out of a different information  
19 system today than we were then.

20 Q. Other than -- other than an electronic  
21 spreadsheet, do you create any work product  
22 reflecting your analysis of those formulas?

23 A. Not at the time, no.

24 Q. Did you discuss it with anyone else in  
25 the office?

1           A.    I think I did, yes.

2           Q.    Who?

3           A.    I don't recall, but I -- I would think I  
4 discussed them. I -- but I don't -- I don't have  
5 a specific recollection of talking about it with  
6 an individual person.

7           Q.    Do you know whether those results were  
8 ever shared with the Faculty Advisory Committee on  
9 Undergraduate Admissions?

10          A.    I don't remember.

11          Q.    Do you know whether those results were  
12 ever actually shared with the Office of Civil  
13 Rights ---

14          A.    I ---

15          Q.    --- or the Department of Education?

16          A.    I don't remember specifically. You  
17 know, if -- I think the OCR complaint was really  
18 focusing more on comprehensive review, but I may  
19 be mis-remembering there.

20          Q.    So you wouldn't know if the actual  
21 results in your analysis was provided to OCR?

22          A.    I can't remember.

23          Q.    Okay. After -- besides that, what was  
24 the next time that you actually considered race-  
25 neutral strategies that could be used as an

1 of them when we're making decisions about  
2 individual students.

3 Q. (Mr. Strawbridge) And notwithstanding  
4 that individual decision process and the range of  
5 SAT scores you admit, you still consider a average  
6 drop of 50 points to be a significant drop for  
7 purposes of analyzing a race-neutral alternative?

8 A. Across a population of 4,000 or 41 or  
9 4200 hundred people, yeah.

10 Q. Even though -- even though UNC does not  
11 seek to maximize the average SAT score of the  
12 class?

13 A. We want capable students who are going  
14 to succeed here and thrive.

15 Q. Do you think you've ever admitted some  
16 students who weren't capable of thriving at UNC?

17 A. We've never knowingly admitted anyone we  
18 thought incapable of thriving at UNC.

19 Q. Do you think that UNC's current  
20 admissions process admits students who lack the  
21 academic preparation to succeed at UNC?

22 A. I think the students we admit are  
23 students we're confident have the capacity to  
24 succeed at UNC. I will say that, you know, as is  
25 in the case with all assessments of people and all

1       example, please?

2           A.     Well you just did, but go ahead. I'm  
3       sorry. I do think I just answered your question.

4           Q.     Is there any rule that requires -- that  
5       limits the use of race in the admissions process  
6       to students who, somewhere in their application,  
7       identify the effect that their race had on their  
8       experiences?

9                   MR. SCUDDER: Object to form.

10          A.     I think I answered that question  
11       earlier.

12          Q.     Yeah, I'm asking you what it is now.  
13       Because I'm not sure I understand your answer.

14          A.     I'm sorry. I -- I think I answered  
15       that.

16          Q.     Are you refusing to answer this question  
17       now, sir?

18          A.     I'm answering it by telling you that I  
19       think I already answered it.

20          Q.     So, can you say yes or no now?

21                   MR. SCUDDER: Can you repeat the  
22       question, Patrick?

23          Q.     (Mr. Strawbridge) Is there any rule,  
24       with respect to how UNC reads its admissions  
25       files, that limits its use of race only to those

1 students in -- whose applications describe some  
2 way in which how race affected them.

3 A. As I said before, I think, no.

4 Q. Is there a particular way in which you  
5 think a student's race necessarily has an effect  
6 on other people at this campus?

7 A. You mean in every instance?

8 Q. Yes.

9 A. I -- I don't think I have a universal  
10 idea about how an individual student's race plays  
11 out on this campus. No.

12 Q. Okay.

13 A. Thank you.

14 (EXHIBIT NUMBER 12 WAS MARKED)

15 Q. This is Exhibit 12.

16 (Witness examined document)

17 A. Is there a particular part that you're  
18 wanting me to look at?

19 Q. Let me just ask you now. Are you  
20 familiar with polling with respect to the U.S.  
21 opinion with the use of race in college  
22 admissions?

23 A. I've seen different reports about it  
24 over time. Yes.

25 Q. Are you familiar with the Gallup Pole